

43014 2c

CC: R. J. LOMBARDO, PRODUCTION MGR.  
PIGMENTS DEPARTMENT



E. I. DU PONT DE NEMOURS & COMPANY  
INCORPORATED

SECRETARY'S DEPARTMENT  
REAL ESTATE DIVISION

September 22, 1972

*② Rms - CMB*

*our file*

② E. L. RODOWSKAS, PLANT MANAGER  
NEWPORT PLANT

DISPOSAL OF FILL - NEWPORT, DELAWARE

Attached hereto for your information and files is Corps of Engineers letter to the Delaware State Highway Department granting them the right to deposit fill on a portion of Du Pont's property east of the Christina River at Newport. You will note on Page 2 that they have an unusual condition which states that Du Pont may not construct a building or other structure on the area where the material has been disposed of without prior approval from the Corps of Engineers. I frankly do not see how the Corps of Engineers can block the development of this property indefinitely, since we are not a party to the letter of authorization. I am checking this matter out with Legal Department, and will advise their opinion.

I realize that there is no likelihood of us constructing facilities on this area in the near future; however, there seems to be no time limit on this building ban.

REAL ESTATE DIVISION

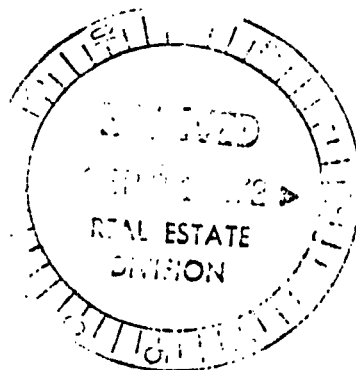
*[Signature]*  
J. R. Weaver, Manager  
Industrial Properties Section

JRW:hw  
Att.

*See attached record of 12/16/74 m*

AR200103

RAPOP-X



20 SEP 1972

JRW  
ORIGINAL  
(Recd)

Mr. John A. Lucey, Review Engineer  
Delaware Department of Highways and Transportation  
Division of Highways  
P. O. Box 778  
Dover, Delaware 19901

Dear Mr. Lucey:

Inclosed is Department of the Army permit authorizing the Delaware Department of Highways and Transportation to dredge and fill areas along the right-of-way for the proposed relocation of Delaware Route 141 on the southerly side, in Christina River at Newport, Delaware.

Your attention is invited to Conditions (c) and (t) of the inclosed permit which specify that every reasonable effort should be made to minimize any adverse impact of the work on fish, wildlife, water quality and natural environmental values. In accordance with these conditions, with recommendations made by the U. S. Department of the Interior, and with this office's requirements, the following are made conditions of this permit:

1. That all project construction be confined to the proposed project site or right-of-way;
2. That no fill or dredge spoil be placed on existing tidal marsh outside the right-of-way;
3. That all spoil be confined with suitable dikes and be stabilized by vegetative plantings to prevent erosion into surrounding tidal marsh;
4. That, upon project completion, all fill and erosive surfaces be seeded, rip-rapped or covered by other means to prevent soil erosion.
5. That the permittee maintain adequate surveillance of dredging and disposal operations to assure that the banks used to confine dredged material are safe from failure, that the density of effluent leaving the sluice from the disposal area does not exceed the weight of adjacent river water by eight grams per liter, and that the disposal area not be used beyond its capacity.

AR200104

WAPOT-X

Mr. John A. Lucey, Review Engineer

Your attention is also called to Condition (u) of the permit which specifies that no building or other structure may be erected on the disposal area authorized by this permit without prior approval of this office. Since the State of Delaware does not own the disposal area, it will be necessary for the State to make this condition perfectly clear to the owner of the property, E. I. duPont Company, since a violation of the terms of this permit would occur if the owner erected a building or structure on the disposal area without first obtaining approval from this office.

This office insists that all necessary precautions be taken during operations in the disposal area so that the existing chemical waste dump on the same location is not disturbed in any way which would lead to a discharge of chemical contaminants to the waterway. If any such discharge should occur, the permittee would be in violation of Section 13 of the River and Harbor Act of 1899.

If any material changes in the location or plans of the permitted work are found necessary on account of unforeseen or altered conditions or otherwise, revised plans should be submitted promptly to the District Engineer to the end that the revised plans, if found unobjectionable, may receive the approval required by law before operations on the permitted work are commenced. It is important that no work under this permit be commenced until you have notified the District Engineer by letter of the date you intend to commence operations. Similar notification is required upon completion of the work.

The original and copy of the inclosed permit must be executed by the permittee, the original to be retained by the permittee, the signed copy to be returned to this office.

Sincerely yours,

2 Incl

1. ENG form 4336
2. Permit (dupe)

CARROLL D. STRIDER  
Colonel, Corps of Engineers  
District Engineer

Cy furn:

Mr. Abelson w/incl 2  
Third CG Dist w/incl  
NOAA, Norfolk  
EI duPont Co, w/incl2 ✓

AR200105

DEPARTMENT OF THE ARMY

ORIGINAL  
(2-1)

PERMIT

RAIOP-21

Delaware Department of Highways and Transportation  
Division of Highways  
P. O. Box 778  
Dover, Delaware 19901

Corps of Engineers  
Philadelphia District  
Custom House  
Philadelphia, Pa. 19106

Gentlemen:

Referring to written request dated 10 May 1972 by Mr. John A. Jucey,  
Review Engineer -----

upon the recommendation of the Chief of Engineers, and under the provisions  
of Section 10 of the Act of Congress approved March 3, 1899 (33 U.S.C. § 403),  
entitled "An act making appropriations for the construction, repair, and  
preservation of certain public works on rivers and harbors, and for other  
purposes," you are hereby authorized by the Secretary of the Army

to dredge and fill areas along the right-of-way for the proposed relocation  
(Here describe the proposed structure or work and its intended use, including, in the case of an application for a permit,  
a description of the structures, if any, proposed to be erected on the fill)

of Delaware Route 141 on the southerly side, all dredging, disposal and filling  
operations to be performed to the satisfaction of the District Engineer -----

in Christina River -----

(Here to be named the river, harbor, or waterway concerned.)

at Newport, Delaware -----

(Here to be named the nearest well-known locality, preferably a town or city, and the distance in miles and tenths from some definite point in  
the same, stating whether above or below or giving direction by points of compass.)

in accordance with the plans and drawings attached hereto marked:  
(On drawings: give file number or other definite identification marks.)

1522-15 (Christina River - Delaware Department of Highways and Transportation - 11)

subject to the following conditions:

AR200106

(a) That this instrument does not convey any property rights either in real estate or material, or any exclusive privileges; and that it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State or local laws or regulations, nor does it obviate the necessity of obtaining State or local assent required by law for the structure or work authorized.

(b) That the structure or work authorized herein shall be in accordance with the plans and drawings attached hereto and construction shall be subject to the supervision and approval of the District Engineer, Corps of Engineers, in charge of the District in which the work is to be performed.

(c) That the District Engineer may at any time make such inspections as he may deem necessary to assure that the construction or work is performed in accordance with the conditions of this permit and all expenses thereof shall be borne by the permittee.

(d) That the permittee shall comply promptly with any lawful regulations, conditions, or instructions affecting the structure or work authorized herein if and when issued by the Federal Water Quality Administration and/or the State water pollution control agency having jurisdiction to abate or prevent water pollution, including thermal or radiation pollution. Such regulations, conditions or instructions in effect or hereafter prescribed by the Federal Water Quality Administration and/or the State agency are hereby made a condition of this permit.

(e) That the permittee will maintain the work authorized herein in good condition in accordance with the approved plans.

(f) That this permit may, prior to the completion of the structure or work authorized herein, be suspended by authority of the Secretary of the Army if it is determined that suspension is in the public interest.\*

(g) That this permit may at any time be modified by authority of the Secretary of the Army if it is determined that, under existing circumstances, modification is in the public interest.\* The permittee, upon receipt of a notice of modification, shall comply therewith as directed by the Secretary of the Army or his authorized representative.

(h) That this permit may be revoked by authority of the Secretary of the Army if the permittee fails to comply with any of its provisions or if the Secretary determines that, under the existing circumstances, such action is required in the public interest.\*

(i) That any modification, suspension or revocation of this permit shall not be the basis for a claim for damages against the United States.

(j) That the United States shall in no way be liable for any damage to any structure or work authorized herein which may be caused by or result from future operations undertaken by the Government in the public interest.

(k) That no attempt shall be made by the permittee to forbid the full and free use by the public of all navigable waters at or adjacent to the structure or work authorized by this permit.

(l) That if the display of lights and signals on any structure or work authorized herein is not otherwise provided for by law, such lights and signals as may be prescribed by the United States Coast Guard shall be installed and maintained by and at the expense of the permittee.

(m) That the permittee shall notify the District Engineer at what time the construction or work will be commenced, as far in advance of the time of commencement as the District Engineer may specify, and of its completion.

(n) That if the structure or work herein authorized is not completed on or before

31st day of December, 1975, this permit, if not previously revoked or specifically extended, shall cease and be null and void.

(o) That the legal requirements of all Federal agencies be met.

(p) That this permit does not authorize or approve the construction of particular structures, the authorization or approval of which may require action by the Congress or other agencies of the Federal Government.

(q) That all the provisions of this permit shall be binding on any assignee or successor in interest of the permittee.

(r) That if the recording of this permit is possible under applicable State or local law, the permittee shall take such action as may be necessary to record this permit with the Registrar of Deeds or other appropriate official charged with the responsibility for maintaining records of title to and interests in real property.

(s) That the permittee agree to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife and natural environmental values.

(t) That the permittee agrees that it will prosecute the construction of work authorized herein in a manner so as to minimize any degradation of water quality.

Note: All references made to the Federal Water Quality Administration now apply to the Office of Water Regulation of the United States Environmental Protection Agency.

AR200107

(e) That no building or other structure may be erected on the fill and area by this permit unless such building or other structure is specifically identified and described in the plans and drawings attached hereto; and buildings or other structures may not be erected on the fill and area unless they can be demonstrably justified in their outward appearance or form by the other buildings or structures erected in their place unless a modification of this permit is authorized by the Secretary of the Army or his authorized representative; and that neither the fill itself nor buildings or structures erected in accordance with the plans and drawings attached hereto may be dedicated to any different use than that contemplated at the time of issuance of this permit unless a modification of this permit is authorized by the Secretary of the Army or his authorized representative.

ORIGINAL  
(Red)

\*A judgment as to whether or not suspension, modification or revocation is in the public interest involves a consideration of the impact that any such action or the absence of any such action may have on factors affecting the public interest. Such factors include, but are not limited to navigation, fish and wildlife, water quality, economics, conservation, aesthetics, recreation, water supply, flood damage prevention, ecosystems and, in general, the needs and welfare of the people.

BY Authority of the Secretary of the Army:

Date

CARROLL D. STUBBS  
Colonel, Corps of Engineers  
District Engineer

Permittee hereby accepts the terms and conditions of this permit.

Permittee

Date

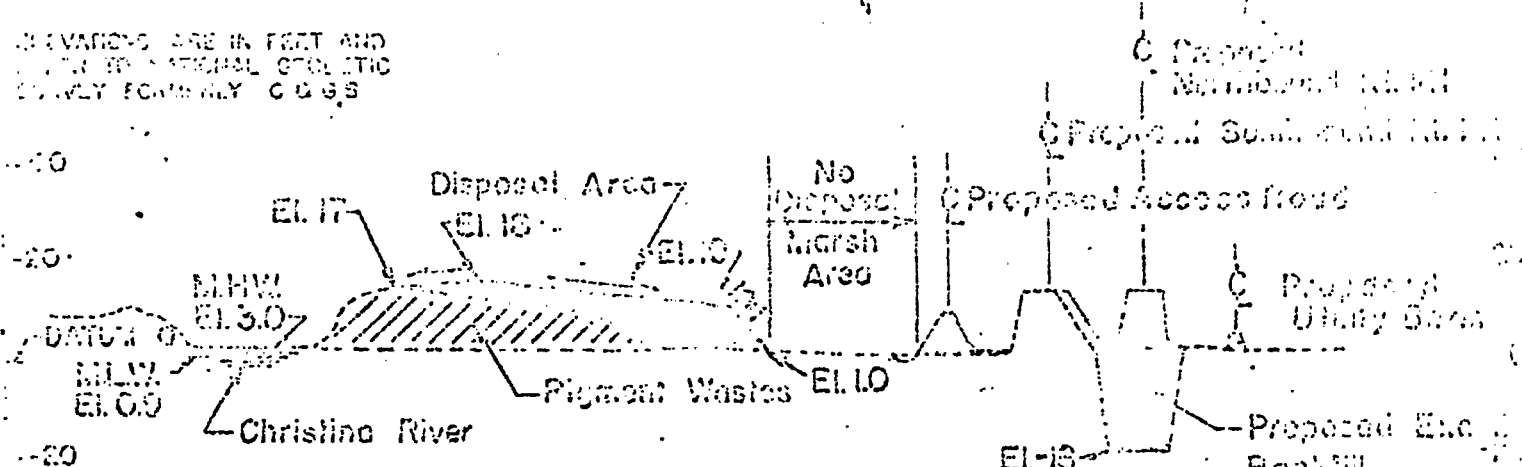
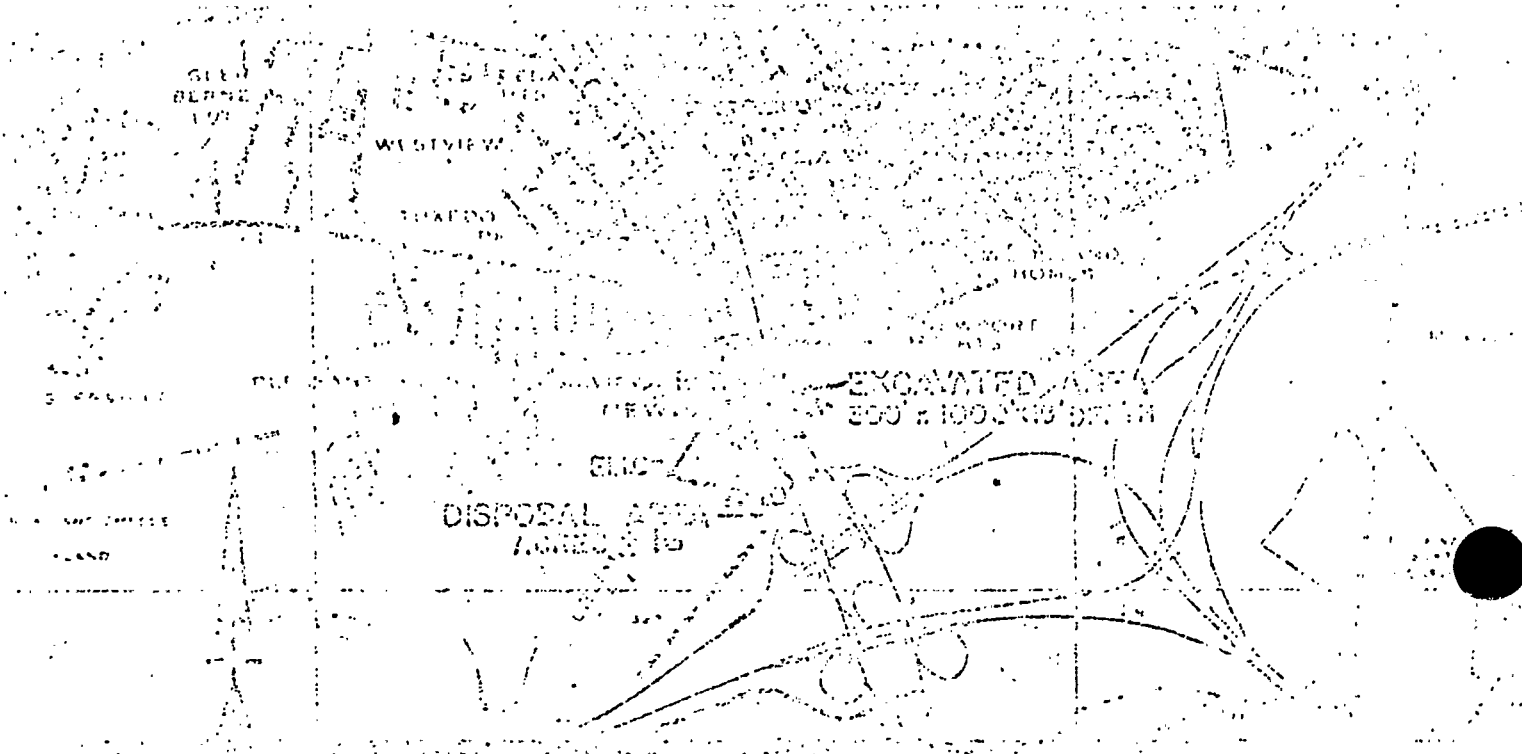
NADP FORM 1500 (Temporary)  
OCF 70

AR200108

ORIGINAL

1522-15 (Christina River - Delaware Department of Highways and Transportation - (AR200109)

Approximately 130,000 cubic yards of unsuitable materials to be excavated and disposed of for the stabilization of relocated Delaware Route 141. The excavated material is to be disposed of on the site of a pigment waste dump. No disposal will be permitted in water courses or wetlands. The method of excavation and disposal will be by dredge or conventional means, at the option of the Contractor.



SECTION A-A  
 SCALE: 1" = 100' HORIZ.  
 1" = 10' VERT.

Proposed excavation and disposal of unsuitable material for the construction of the south approach of the structure over the Christina River, Route 141, in New Castle County, State of Delaware.  
 Application By: Department of Highways and Transportation  
 Division of Highways AR200109  
 10/90

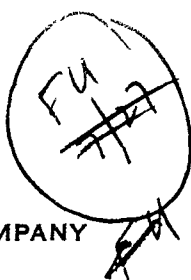
9/28



E. I. DU PONT DE NEMOURS & COMPANY  
INCORPORATED

SECRETARY'S DEPARTMENT  
REAL ESTATE DIVISION

CC: R. J. LOMBARDO, PRODUCTION MGR.  
PIGMENTS DEPARTMENT



ORIGINAL  
(Red)  
8/24

July 20, 1972

*Ch Smith*  
*E. L. Rodowskas*

*AMS*  
*What do you think?*  
*Jul*

*Don't think we should send anyone! Let Hyatt Dept. handle. They have most to gain from this.*

*8/5*

E. L. RODOWSKAS, PLANT MANAGER  
NEWPORT PLANT

DISPOSAL OF FILL - NEWPORT, DELAWARE

Attached hereto for your information is copy of Corps of Engineers Notice of public hearing on the Delaware State Highway Department's proposal to dump approximately 130,000 cubic yards of material on a portion of our property. Since Du Pont is not a party to the hearing, I do not think it necessary that we attend. Should you feel otherwise, and would like someone from our Division to attend the hearing, please advise.

REAL ESTATE DIVISION

*J. R. Weaver*  
J. R. Weaver, Manager  
Industrial Properties Section

JRW:hw  
Att.

*Agree, unless Weaver feels that DuPont could contribute by pointing out that proposal will ultimately result in improved appearance of disposal area*

AR200110  
*Chs*

NAPOP-N-432

0 m T -

*I got this then is the operation for us today  
we gave the State a license on May 17, 1972*

DEPARTMENT OF THE ARMY  
Philadelphia District, Corps of Engineers  
Custom House - 2d & Chestnut Streets  
Philadelphia, Pennsylvania 19106

*WCB  
7/15/72*

28 June 1972

PUBLIC NOTICE

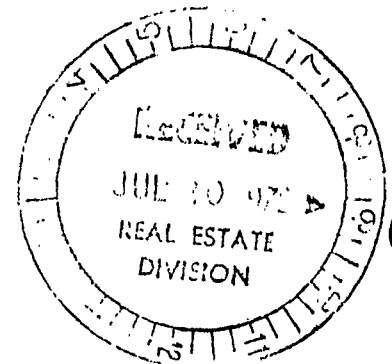
Notice is hereby given that the Delaware Department of Highways and Transportation, P. O. Box 778, Dover, Delaware 19901 has applied for a Department of the Army permit to dredge and fill areas along the right-of-way for the proposed relocation of Delaware Route 141 on the southerly side of the Christina River, Newport, Delaware.

Approximately 130,000 cubic yards of unsuitable material would be dredged by bucket method to a depth of 18 feet below mean low water. The dredged material would be deposited in an area adjacent to the westerly side of proposed highway. The roadway would be backfilled with approximately 160,000 cubic yards of dry fill to be deposited by truck. The location of the work is shown on the attached plans.

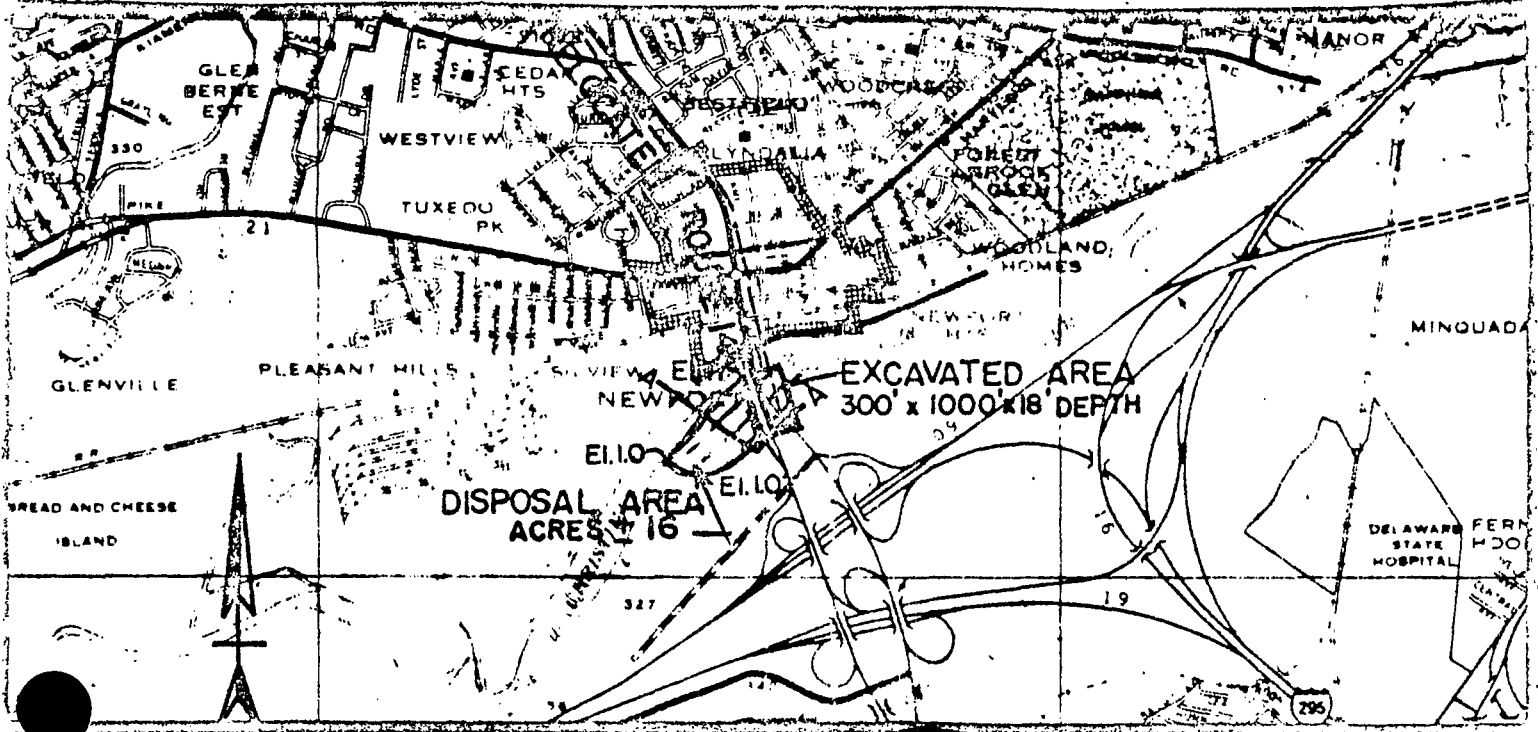
The decision as to whether a permit will be issued will be based on an evaluation of the impact of the proposed work on the public interest. Factors affecting the public interest include, but are not limited to, navigation, fish and wildlife, water quality, economics, conservation, aesthetics, recreation, water supply, flood damage prevention, ecosystems, and, in general, the needs and welfare of the people. Comments on these factors should be submitted in writing to the District Engineer at the above address prior to 27 July 1972. All comments received will be made part of the record and will be considered in determining whether it would be in the best public interest to grant a permit.

*Carroll B. Strider*  
CARROLL B. STRIDER  
Colonel, Corps of Engineers  
District Engineer

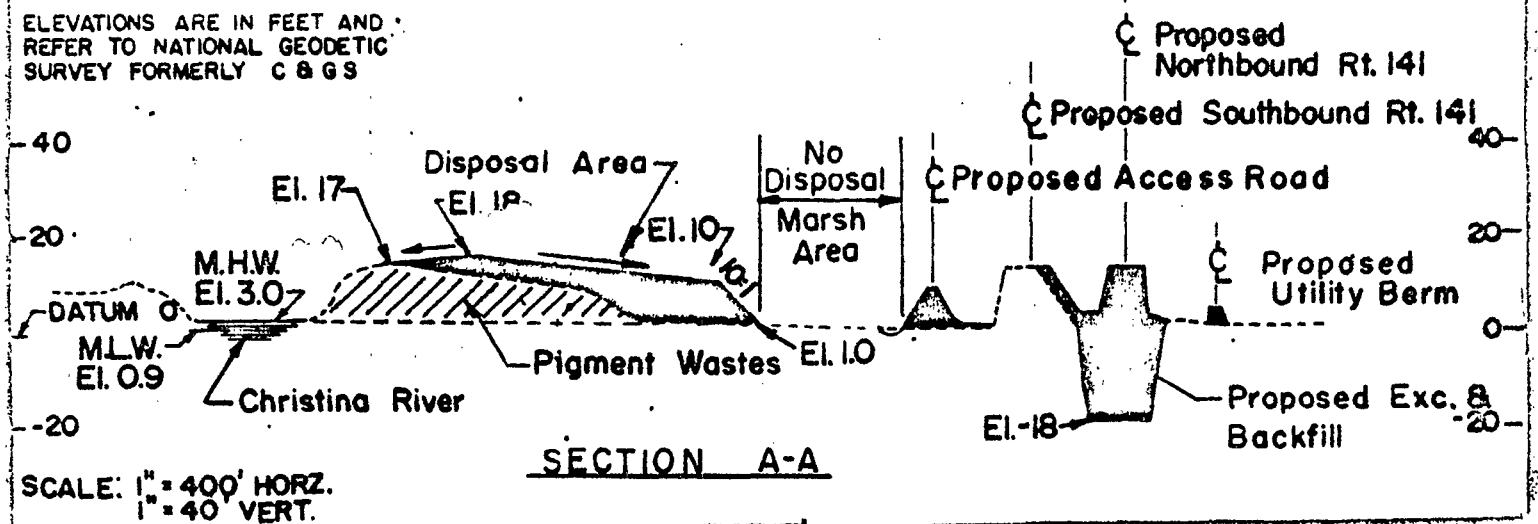
AR200111



Approximately 130,000 cubic yards of unsuitable material is to be excavated and backfilled with special borrow for the stabilization of Relocated Delaware Route 141. The excavated material is to be disposed on the site of a pigment waste dump. No disposal will be permitted in marsh area below elevation 1.0. The method of excavation and disposal will be by dredge or conventional methods at the option of the Contractor.



ELEVATIONS ARE IN FEET AND REFER TO NATIONAL GEODETIC SURVEY FORMERLY C & G S

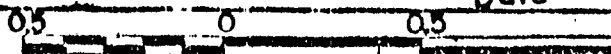


Proposed excavation and disposal of unsuitable material for the construction of the south approach of the structure over the Christina River, Route 141, in New Castle County, State of Delaware.

Application By: Department of Highways and Transportation  
Division of Highways

Date AR200112

Scale in miles



Newport, Delaware  
December 16, 1974

DISPOSAL FILL AREA - SOUTH OF CHRISTINA RIVER

A meeting was held in W. J. McClure's office at 9:00 a.m. on December 16, 1974, and was attended by:

Jim Lutrzyjowski - State Highway Department  
John Davis - State Highway Department  
Lloyd Alexander - State Environmental - Wildlife  
Sam Whitaker - Greggo & Ferrara, Inc.  
Guy Gooch - Greggo & Ferrara, Inc.  
W. J. McClure - Du Pont  
A. S. Jennings - Du Pont

The state requested Du Pont consider leaving the dike and the partially filled basin as a wildlife preserve. They were told Du Pont has plans (parking lot) for the area and would like the work completed according to the original permit.

The meeting was concluded with the state agreeing to do the work according to the original permit.

ASJ:jcb

cc: → W. J. McClure  
A. S. Jennings

AR200113